

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHAWNA MOORE,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

4:12-CV-3132

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's motion for attorney fees (filing 31) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The defendant has no objection to the requested award of fees in the amount of \$3,244.04,¹ which represents 17.63 hours of work at \$184.50 per hour.²

The Court has determined that the plaintiff was the prevailing party, as this case was remanded to the Commissioner for further action. The Court further finds that the position of the Commissioner was not substantially justified, for the reasons set forth in the Court's previous Memorandum and Order (filing 29). *See Koss v. Sullivan*, 982 F.2d 1226 (8th Cir. 1993). Finally, the Court finds that the motion for fees was filed in a timely fashion, and that the fees requested are reasonable. Therefore, the plaintiff is entitled to an award of attorney fees in the amount requested.

IT IS ORDERED:

1. The plaintiff's motion for attorney fees (filing 31) is granted.

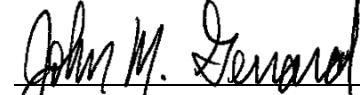
¹ Plaintiff's arithmetic appears to be slightly off, but the Commissioner does not object, and any resulting difference is minor.

² The maximum hourly fee of \$125 specified in 28 U.S.C. § 2412(d)(1)(D)(2)(A) was adjusted to account for inflation. The defendant does not object to this cost-of-living increase, and the Court finds the increase is warranted.

2. By separate document, the Court shall enter judgment for plaintiff and against defendant providing that plaintiff is awarded attorney fees of \$3,244.04.

Dated this 24th day of January, 2014.

BY THE COURT:



John M. Gerrard

United States District Judge